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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING RE
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE BINFORD MEDICAL
DEVELOPERS LOAN**

**Date of Hearing: September 30, 2011
Time of Hearing: 9:30 a.m.
Estimated Time for hearing: 10 min.**

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW 85% OF
YOUR CLAIM AND ALLOW 15% OF YOUR CLAIM TO THE EXTENT YOUR
CLAIM IS BASED UPON AN INVESTMENT IN THE BINFORD MEDICAL
DEVELOPERS LOAN. THE USACM TRUST CONTENDS THAT YOU DO NOT
HAVE A COMPLETELY VALID CLAIM BASED UPON YOUR INVESTMENT
IN THIS LOAN BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN
MAKING THAT INVESTMENT AND USACM DID NOT GUARANTEE
REPAYMENT OF THAT LOAN. THIS OBJECTION WILL NOT IMPACT**

1 **YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A**
2 **DIFFERENT LOAN.**

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
5 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
6 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
7 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**
8 **HINDERAKER (520-629-4430).**

9 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
10 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon
11 Investment in the Binford Medical Developers Loan (with Certificate of Service) (the
12 “Objection”). Your Proof of Claim number and other information regarding your claim is
13 provided in **Exhibit A**, attached to the Objection. The USACM Liquidating Trust has
14 requested that this Court enter an order, pursuant to section 502 of title 11 of the United
15 States Code (the “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy
16 Procedure (the “Bankruptcy Rules”), disallowing 85% and allowing 15% of your Proof of
17 Claim to the extent it is based upon an investment in the Binford Medical Developers
18 Loan. The Objection will not impact your Claim to the extent it is based upon an
19 investment in a different loan.

20 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
21 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
22 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
23 **September 30, 2011, at the hour of 9:30 a.m.**

24 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
25 **SEPTEMBER 30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**
26

**CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO
ARGUMENTS WILL BE HEARD ON THAT DATE.**

NOTICE IS FURTHER GIVEN that pursuant to Local Rule 9014(d), any response to the objection must be filed and service must be completed no later than **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: August 7, 2011

LEWIS AND ROCA LLP

By s/John Hinderaker (AZ 18024)

Robert M. Charles, Jr., NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

Marvin Ruth, NV 10979

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Attorneys for the USACM Liquidating Trust

Copy of the foregoing and pertinent portion of Exhibits deposited in first class postage prepaid U.S. Mail on August 7, 2011 to all parties listed on Exhibit A attached.

LEWIS AND ROCA LLP

s/ Matt Burns
Matt Burns